

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Case No.: 07CV8249

Plaintiff,

- against -

LONDON MANHATTAN CORP.
d/b/a LONDON MEAT CO., INC.

Defendants.

Defendant, London Manhattan Corp., by its attorneys, Decker Decker Dito & Internicola, LLP, as and for an answer to the complaint alleges as follows:

1. Denies the allegations contained in paragraph “1” and refers to the cited statutory provisions their terms and import.
2. Denies the allegations contained in paragraph “2”.
3. Denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph “3” and refers to the cited statutory provisions for their terms and import.
4. Denies the allegations contained in paragraph “4”, except admits that defendant is a New York corporation with a principal place of business in New York City, New York County. Defendant does not conduct business under the d/b/a London Meat Co., Inc.
5. Denies the allegations contained in paragraph “5” and refers to the cited statutory provisions their terms and import.

6. Denies the allegations contained in paragraph “6” and refers to the cited statutory provisions their terms and import.

7. Denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph “7”.

8. Denies the allegations contained in paragraph “8”.

9. Denies the allegations contained in paragraph “9”.

10. Denies the allegations contained in paragraph “10”.

11. Denies the allegations contained in paragraph “11”.

12. Denies the allegations contained in paragraph “12”.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

13. Each cause of action asserted against the Defendants fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

14. Defendant London Manhattan Corp. is a distinct and separate legal entity from London Meat Co., Inc. and at no time has defendant conducted business under the d/b/a “London Meat Co., Inc.”. To the extent that plaintiff’s claims relate to and/or relies upon the activities, actions and/or inaction of London Meat Co., Inc. the plaintiff has failed to name a necessary party to this lawsuit.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

15. Plaintiff / charging party failed to notify defendant’s management as to the alleged discriminatory acts.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

16. Defendant is not a “covered entity” under Section 101(2) of the ADA.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

17. The plaintiff / charging party is not a qualified individual with a disability under the ADA.

WHEREFORE, Defendant demands judgment against plaintiff dismissing the complaint in its entirety, the recovery of attorney fees and the costs and disbursements of this action.

DECKER DECKER DITO & INTERNICOLA, LLP

By: /s/ Charles N. Internicola

Charles N. Internicola (CI 4059)
Attorneys for Defendants
1610 Richmond Road
Staten Island, New York 10304
Telephone: 718. 979. 4300

To:

Adela Santos, Esq.
U.S. Equal Employment Opportunity Commission
New York District office
33 Whitehall Street – 5th Floor
New York, NY 10004